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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DANIELS SHARPSMART, INC., )

Plaintiff, )

v. )

TYCO INTERNATIONAL, INC., et al., )

Defendant. )

Case No.: C 08-80133 JF (PVT)

**ORDER DENYING PLAINTIFF'S  
MOTION TO SHORTEN TIME AND  
PLAINTIFF'S MOTION TO COMPEL;  
ORDER DISSOLVING JULY 7, 2008  
ORDER TO SHOW CAUSE**

17 In the above-captioned miscellaneous action, plaintiff Daniel Sharpsmart, Inc.  
18 ("Sharpsmart") moves to shorten time on its motion to compel production of documents from third-  
19 party David Grant Medical Center. ("Grant Medical Center"). Grant Medical Center is on the  
20 Travis Airforce Base which is located in Solano County. Generally, civil actions arising in the  
21 county of Solano are assigned to the Eastern District. *See* Civ. L.R. 3-120(d) for the Eastern District  
22 of California. On July 7, 2008, the court issued an order to show cause why the case should not be  
23 transferred to the Eastern District, Sacramento Division. On July 8, 2008, Sharpsmart responded to  
24 the order to show cause arguing as follows: (1) third-party Grant Medical Center has not objected to  
25 the subpoena; (2) the subpoena was issued by this court in the Northern District of California; and  
26 (3) Grant Medical Center is less than 86 miles from the Northern District of California, San Jose  
27 Division.

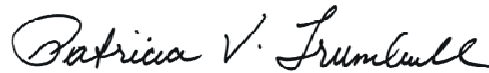
28 As an initial matter, plaintiff Sharpsmart timely responded to the order to show cause and the

1 order to show cause is hereby dissolved.

2 Under Rule 45(2)(C), “a subpoena must issue for production or inspection . . . from the court  
3 for the district where the production or inspection is to be made.” Fed R. Civ. P. 45(2)(C). Because  
4 Travis Airforce Base is located in Solano County, the subpoena should have issued from the Eastern  
5 Division, Sacramento Division. The Rule unequivocally states that the subpoena *must* issue from the  
6 court for the district where the production or inspection is to be made. Plaintiff has not shown that  
7 production or inspection would occur anywhere other than from the Grant Medical Center.  
8 Accordingly, plaintiff Sharpsmart’s motion to shorten time and the motion to compel are denied.<sup>1</sup>

9 IT IS SO ORDERED.

10 Dated: *July 15, 2008*



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12 PATRICIA V. TRUMBULL  
United States Magistrate Judge

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<sup>1</sup>

The holding of this court is limited to the facts and particular circumstances underlying the present motion.

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